

AMSS 35th Annual Conference

Cosponsored by
Hartford Seminary, Hartford, CT
October 27 – 29, 2006

Abstract Only – Work in Progress

**“The Primacy of Privacy in the Assessment of a Justice
System for an Islamic Democratic Model”**

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The establishment of democracy within an Islamic framework requires justice as its cornerstone. The foundational aspects of justice must, however, be framed by clear lines of demarcation drawn between the public and private spheres. The individual must be aware of his/her expectations of privacy as codified by Islamic authority. Similarly, the state must define the parameters that constitute its ability to encroach upon the individual's rights and functionality in society. *Shari'ah* possesses the necessary tools to ensure the privacy rights of the individual, but this reality requires analysis at the correct level of abstraction of legal and political traditions within the Islamic paradigm. Islamic political thought places much emphasis on the need for social justice to be extant for a functional, optimal society. Yet, a just society requires attention to be paid to the individual's rights, especially as they pertain to privacy, for social justice to bear any meaningful relevance. This paper seeks to provide analysis of historical precedent as well as an assessment of Islamic sources of juridical authority to illustrate the key factors involved in developing a functional democratic model by placing due focus on the mapping of privacy within the *Shari'ah* tradition. This paper also examines the challenges affecting the subject of privacy as well as the required direction to rectify the inherent systemic flaws once such challenges are defined. Privacy, therefore, emerges as a *sine qua non* for the proper and efficient implementation of justice, itself the foundation of the Islamic system.